PUBLIC HEALTH LAW—VACCINATION AS A CONDITION TO ADMISSION TO PUBLIC SCHOOL.—(Statute similar to sec. 1713d (5) Va. Code Anno.) In *Viemester* v. *White*, decided October 18, 1904, the Court of Appeals of New York held:

"The provision of the Public Health Law that 'no child or person not vaccinated shall be admitted or received into any of the public schools of the State' is a valid exercise by the Legislature of the police power.

"The Legislature may pass laws which, according to the common belief of the people, are adapted to prevent the spread of contagious diseases, and the fact that the belief is not universal does not control. So, too, the courts may take judicial notice of the fact that is a common belief of the people of the State that vaccination is a preventive of small-pox and upon such fact hold that the statute is a health law, enacted in a reasonable and proper exercise of the police power."

LANDLORD AND TENANT—SECRET DEFECTS IN DEMISED BUILDING—LIABILITY OF LESSOR FOR DAMAGES OCCASIONED BY LESSEE'S ENFORCED REMOVAL.—In *Steefel* v. *Rothschild*, the Court of Appeals of New York held that the owner of a building who, between the time of leasing it and the commencement of the demised term, learns of secret defects which render the building in danger of immediate collapse, and fails to communicate that fact to the lessee, who takes possession in ignorance of its condition, and who is compelled shortly thereafter to remove from the premises by reason of its condemnation by the municipal authorities, is liable to the lessee for damages to his stock and fixtures occasioned by the enforced removal, and this liability arises *ex delicto*, rather than *ex contractu*.

The tenant's damages in such a case will be deemed to have been the natural consequence of the defendant's maintenance of an illegal structure. —*New York Law Journal, Nov. 1, 1904.*

STREET RAILWAY ACCIDENT TO PEDESTRIAN ON CITY CROSSWALK—CONTRIBUTORY NEGLIGENCE.—In *Loftsten* v. *Brooklyn Heights R. R. Co.*, the Appellate Division of the Supreme Court of New York held that it was not contributory negligence as a matter of law for a pedestrian to fail to look a second time for approaching car, where he did look just before leaving the curb-stone.—*New York Law Journal, Nov. 5, 1904.*

HOMICIDE—SHOOTING AT ONE PERSON AND KILLING ANOTHER—SEC. 3662 OF THE CODE.—Under a statute defining murder in the first degree in virtually the same language as sec. 3662 of the Code of Virginia, the Court of Error and Appeals of New Jersey, in *State* v. *Bectsa*, 38 Atl. 933, held that where an act done with the intention to commit murder by a wilful, deliberate, and premeditated killing, results in the slaying of a different person from the one intended, the crime is murder in the first degree. See note to *King's Case*, 2 Va. Cas. 87.